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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,396	02/04/2000	Saeed Anooshfar	3994(CFP1317US)	8772

5514 7590 06/28/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
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2141

MAIL DATE	DELIVERY MODE
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06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/498,396

Applicant(s)

ANOOSH FAR, SAEED

Examiner

Kristie D. Shingles

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Per Applicant's Request for Continued Examination

Claims 1, 7, 21, 23 and 24 have been amended.

Claims 1-25 are pending.

Continued Examination Under 37 CFR 1.114

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/10/2007 has been entered.

Response to Arguments

II. Applicant's arguments with respect to claims 1, 7, 21, 23 and 24 have been considered but are moot in view of the new ground(s) of rejection.

CLAIM REJECTIONS - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. Claims 1, 2, 7, 8, 10, 11 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lo et al* (US 5,911,044) in view of *Davis et al* (US 6,167,462).

a. **Regarding claim 1, *Lo et al* teach a computer network scanning system for fulfilling a scan order over a computer network (*col.1 lines 14-16*), said system comprising:**

- at least one computer terminal adapted to input a scan setting for causing a scanner node to scan an image (*col.2 lines 6-21*), to cause an order entry server computer to retrieve the scanner node having a suitable scan capability corresponding to the input scan setting from among a plurality of scanner nodes (*col.3 lines 45-66, col.9 lines 1-24, col.12 lines 20-58, col.14 line 8-col.15 line 9*) and to receive input for creating the scan order for scanning an image at the retrieved scanner node based on the retrieved result, and sending the scan order to an order entry server, the scan order including at least one network address to which the scanned image is to be sent, the address being input by a requestor and the input scan setting (*col.2 lines 57-65, col.8 lines 3-24 and 61-67, col.17 lines 56-67*);
- at least one order entry server computer configured to retrieve the scanner node having the suitable scan capability from among the plurality of scanner nodes based on an instruction by the computer terminal and to create and distribute scan orders in accordance with the scan capability of the retrieved scanner node, each order entry server computer being coupled to said at least one computer terminal through the computer network (*col.13 lines 12-34, col.14 line 8-66, col.16 lines 41-64, col.19 lines 8-22*); and
- at least one scanner node, each scanner node being coupled to said at least one computer terminal and each order entry server computer through the computer network, each scanner node being configured to select a scan order from a plurality of scan orders received from at least one of the order entry servers through the computer network, and each scanner node being configured to generate a scanned image based on the selected scan order and to send the scanned image to the network address included in the selected scan order (*col.15 line 10-col.16 line 64, col.19 lines 8-44*).

Lo et al teach a scanner receiving scanner jobs from a user (*col.16 lines 41-51*)

thus it would be obvious that a scanner node selects a scan order from a plurality of scanner servers. Nonetheless, *Davis et al* teach a user selecting a scanner with specific properties and the scanner selecting a specific scan order allowing a user to reserve the scanner for exclusive use

Art Unit: 2141

for a particular amount of time and indicating to other users when the scanner is no longer reserved (*col.2 lines 46-61, col.3 line 49-col.4 line 52, col.4 line 53-col.5 line 54*).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Lo et al* with *Davis et al* by having the client specify the desired scanning functions/capabilities for a particular scan order and then implementing a selection process that matches the user's desired parameters with a suitable scanning device capable of selecting and fulfilling a user's scanning request job—doing so allows the user to specific the scanner parameters and scanner important for the user's scanning job and furthermore allows the scanner to select a scan job based on the order received and a priority of a user.

b. **Claims 7, 21 and 23-25** contain limitations that are substantially similar to claim 1 are therefore rejected under the same basis.

c. **Regarding claim 2**, *Lo et al* with *Davis et al* teach the computer network scanning system of claim 1, *Lo et al* further teach the system further comprising a central database coupled via the computer network to each scanner node and to each terminal, the central database adapted to store and retrieve scan orders (*col.15 lines 27-30*).

d. **Regarding claim 8**, *Lo et al* with *Davis et al* teach the computer network scanning method of claim 7, *Lo et al* further teach wherein the step of creating the scan order comprises the substeps of accessing from an order entry server computer a user interface module which permits input of the scan order from the terminal (*col.26 lines 28-29; Davis et al: col.2 lines 45-61*); inputting from the terminal a desired set of scanner settings and parameters through the user interface module (*page 3 paragraphs 0049-0055, 0058-0063; Davis et al: col.2 lines 45-*

Art Unit: 2141

61, *col.3 lines 49-59*); reconciling the inputted scanner settings and parameters with a capability profile associated with each scanner node designated in the scan order; and converting the reconciled scanner settings and parameters into the scan order (*col.12 lines 12-18, 25-27 and 32-35; Davis et al: col.2 lines 45-61, col.3 lines 49-59*) using a script writer module associated with the order entry server computer (*col.13 lines 50-60*).

e. **Regarding claim 10**, *Lo et al* with *Davis et al* teach the method of claim 8, *Lo et al* further teach wherein the step of reconciling comprises the substeps of: (a) retrieving from a scanner directory service module the capability profile for each of the scanner nodes in the designated scan order (*col.10 line 39, col.19 lines 7-22*); (b) comparing the retrieved capability profiles of the scanner nodes with the scan order (*col.12 lines 63-65 and col.13 lines 20-21*); and (c) when the scan order is inconsistent with a retrieved capability profile of a scanner node: (I) providing notification of the inconsistency through the user interface (*col.12 lines 12-18, 26-28 and 32-35*); and (II) executing one step selected from the group comprising (A) the selection of an alternative scanner node and repeating steps (a) through (c) above, and (B) the acceptance of the scanner node with the associated capability profile (*col.12 lines 63-65 and col.13 lines 20-21*).

f. **Regarding claim 22**, *Lo et al* with *Davis et al* teach the method of claim 21, *Lo et al* further teach wherein the step of updating the central database comprises deleting the scan order from the central database (*col.17 lines 12-15*).

V. **Claims 4, 5, 11, 18, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lo et al* (US 5,911,044) in view of *Davis et al* (US 6,167,462) and further in view of *Cunningham* (US 6,208,436).

g. **Regarding claim 4**, *Lo et al* with *Davis et al*, teach the computer network scanning system of claim 1, *Lo et al* further teach wherein each order entry server computer comprises: a user interface module coupled to the computer network and adapted to receive scanner settings and parameters for the scan order from the terminal(s) (*col.26 lines 28-29; Davis et al: col.2 lines 46-61, col.3 line 49-col.4 line 52*); a scanner directory service module coupled to the user interface module and configured to provide a capability profile for each scanner node on the computer network (*col.14 lines 40-45*); a scan order reconciler module coupled to the scanner directory service module and to the user interface module and adapted to receive scanner settings and parameters for the scan order inputted through the user interface module, the scan order reconciler module configured to compare a capability profile for a scanner node with the inputted scanner settings and parameters for consistency and to provide notification through the user interface module of any inconsistencies (*col.12 lines 12-18, 25-27 and 32-35; Davis et al: col.2 lines 46-61, col.3 line 49-col.4 line 52*); a script writer module coupled to and adapted to receive input from the scan order reconciler module and configured to create the scan order by translating scanner settings and parameters inputted from the terminal through the user interface module into a script that can be parsed by the scanner nodes (*col.13 lines 55-56; Davis et al: col.5 lines 3-65*). Yet, *Lo et al* and *Davis et al* fail to teach an email server module. However, *Cunningham* teaches an email server module adapted to receive the scan order from the script writer module and configured to send electronic mail messages to any address designated in the scan order and to send the scan order to any scanner node on the computer network (*abstract, col.3 lines 1-8, col.6 lines 9-13 and 25-34, col.7 lines 14-20 and 29-40, col.9 lines 58-61*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the

Art Unit: 2141

invention was made to further modify the network image scanning systems of *Lo et al* and *Davis et al* with *Cunningham* by having an email server module in order to transmit scanning orders and messages between the terminal, server computer, and scanner.

h. **Regarding claim 11**, *Lo et al* with *Davis et al* teach the method of claim 7, as applied above; yet fail to teach using electronic mail. However, *Cunningham* further teaches wherein the step of submitting uses electronic mail (*abstract, col.3 lines 1-8, col.6 lines 9-13 and 25-34, col.7 lines 14-20 and 29-40, col.9 lines 58-61*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the network image scanning systems of *Lo et al* and *Davis* by using electronic mail because this is an efficient and obvious method of network communication.

i. **Claims 18 and 19** are substantially similar to claim 4 and are therefore rejected under the same basis.

j. **Regarding claim 5**, *Lo et al* and *Davis et al* with *Cunningham* the computer network scanning system of claim 4, *Lo et al* further teach wherein the scanner directory service module is a module selected from the group comprising (A) a database containing a capability profile for each scanner node on the computer network, the database populated by entering a capability profile for each scanner node before using the database (*col.14 lines 54-55 and col.15 lines 27-30*), and (B) a directory of capability profiles for the scanner nodes on the computer network generated on demand by a lookup/discovery software module (*col.14 lines 40-45*).

VI. **Claims 3 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lo et al* (US 5,911,044) in view of *Davis et al* (US 6,167,462) in further view of *Kumpf et al* (US 6,289,371).

k. **Regarding claim 3**, *Lo et al* with *Davis et al* teach the computer network scanning system of claim 1, as applied above. Yet, *Lo et al* in view of *Davis et al* fail to explicitly teach each terminal has associated therewith browser software for inputting scan orders. However, *Kumpf et al* teach each terminal has associated therewith browser software for inputting scan orders (*col.2 lines 30-32*). Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to further modify the network image scanning system of *Lo et al* and *Davis et al* with *Kumpf et al* by having each terminal has associated therewith browser software for inputting scan orders because the software is needed to instruct the hardware on how to process the scan orders.

l. **Regarding claim 9**, *Lo et al* with *Davis et al* teach the method of claim 8 as applied above, yet *Lo et al* in view of *Davis et al* fail to explicitly teach accessing comprises using Web browser software to retrieve a Web page, the Web page adapted to receive input concerning scanner settings and parameters. However, *Kumpf et al* teach wherein the step of accessing comprises using Web browser software to retrieve a Web page, the Web page adapted to receive input concerning scanner settings and parameters (*col.2 lines 30-32 and 41*). Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to further modify the network image scanning system *Lo et al* and *Davis et al* with *Kumpf et al* wherein accessing comprises using Web browser software to retrieve a Web page, the Web page adapted to receive input concerning scanner settings and parameters because a web page is an efficient manner of communication.

Art Unit: 2141

VII. Claims 6, 15, 16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lo et al* (US 5,911,044) in view of *Davis et al* (US 6,167,462) in further view of *Cunningham* (US 6,208,436) and *Cukor et al* (US 5,168,444).

m. **Regarding claim 6**, *Lo et al* in view of *Davis et al* teach the computer network scanning system of claim 1, as applied above. *Lo et al* further teach the system wherein each scanner node comprises: a user interface module (*col.26 lines 28-29*); a script interpreter module for parsing the scan order in order to obtain scanner settings and parameters contained therein, the script interpreter module coupled to the user interface module (*col.13 lines 55-56*); a scanner driver module adapted to receive an output of the script interpreter module and to set settings and parameters of the scanner node based on the output (*Davis et al: col.2 lines 46-61*); a scanner module coupled to the scanner driver module and adapted to receive scanner settings and parameters from the scanner driver module and configured to produce a scanned image (*col.12 lines 12-18 and 25-27*); and an email server module coupled to the computer network, to the script interpreter module, and to the scanner module, the email server module configured to receive the scan order sent over the computer network, to send an electronic mail message containing the scanned image to any recipients indicated in the scan order, and to send an electronic mail message without the scanned image to any parties indicated in the scan order notifying such parties of the completion of the scan order (*Cunningham: page 1 paragraphs 0001 and 0002; page 2 paragraphs 0026 and 0028*). *Lo et al* in view of *Davis et al* and *Cunningham* fail to teach a scan order queue updater and sorter module. However, *Cukor et al* teach of a scan order queue updater and sorter module coupled to the user interface module and to the script interpreter module, the scan order queue updater and sorter module configured to update and sort a queue of a scanner node (*col.11 lines 53-54*). Therefore, it would have been

Art Unit: 2141

obvious to one having ordinary skill in the art at the time the invention was made to further modify the network image scanning system of *Lo et al*, *Davis et al* and *Cunningham* with *Cukor et al* by having a scan order queue updater and sorter module because this keeps the scan orders organized for processing by the scanner node.

n. **Claim 20** is substantially similar to claim 6 and is therefore rejected under the same basis.

o. **Regarding claim 15**, *Lo et al* in view of *Davis et al* teach the method of claim 7 as applied above, *Lo et al* further teach wherein the step of processing comprises the substeps of: selecting one of the scan orders; obtaining an item to be scanned as specified in the scan order (*col.3 lines 25-27 and col.16 lines 10-12*); setting the scanner node to desired settings and parameters as specified in the scan order (*col.12 lines 50-51; Davis et al: col.2 lines 46-61*); placing the item to be scanned in the scanner node; initiating scanning; sending a scanned image as specified in the scan order using an email server module associated with the scanner node (*Cunningham: page 1 paragraphs 0001 and 0002; page 2 paragraphs 0026 and 0028*); and sending notification using the email server module associated with the scanner node of completion of the scan order to any parties indicated in the scan order (*Cunningham: page 2 paragraph 0028*). *Lo et al* in view of *Davis et al* and *Cunningham* fail to teach of a queue of scan orders. However, *Cukor et al* teach of selecting one of the scan orders in the queue of the scanner node (*col.11 lines 53-54*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the network image scanning system of *Lo et al*, *Davis et al* and *Cunningham* with *Cukor et al* by having a scan order queue because this keeps the scan orders organized for processing by the scanner node.

p. **Regarding claim 17**, *Lo et al* in view of *Davis et al* teach the method of claim 7, as applied above, *Lo et al* further teach wherein the step of updating the scanner node(s) on the computer network comprises the substeps of requesting count reduction of the scan order when count is greater than one, and requesting removal of the scan order from the scanner node when count equals one (*col.22 lines 21-25*); determining whether the scan order has been sent to any other scanner node(s) in the computer network; and when the scan order has been sent to other scanner node(s) on the computer network, sending an electronic mail message using the email server module from the scanner node which processed the scan order to each other scanner node (*Cunningham: page 1 paragraph 0001 and page 2 paragraph 0025*), requesting (A) count reduction of the scan order when count is greater than one, and (B) removal of the scan order from each other scanner node when count equals one (*col.22 lines 21-25*). *Lo et al* in view of *Davis et al* and *Cunningham* fail to teach a queue of scan orders. However, *Cukor et al* teach of the removal of the scan order from the queue of the scanner node (*col.11 lines 53-54*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the network image scanning system of *Lo et al* in view of *Davis et al* and *Cunningham* with *Cukor et al* by having a scan order queue because this keeps the scan orders organized for processing by the scanner node.

q. **Regarding claim 16**, *Lo et al* in view of *Davis et al*, *Cunningham* and *Cukor et al* teach the method of claim 15, *Lo et al* further teach the method wherein the step of setting the scanner node comprises the substeps of parsing the scan order using the script interpreter module associated with the scanner node; and sending commands to a scanner driver module associated

Art Unit: 2141

with the scanner node based upon information obtained from the parsed scan order (*col.13 lines 47-51 and 55-56*).

VIII. Claims 12, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lo et al* (US 5,911,044) and *Davis et al* (US 6,167,462) in further view of *Cukor et al* (US 5,168,444) and *Kumpf et al* (US 6,223,223).

r. **Regarding claim 12**, *Lo et al* in view of *Davis et al* teach the method of claim 7 as applied above, *Lo et al* further teach wherein the step of processing comprises the substeps of invoking a scanning mode at the scanner node where the scan order is received (*col.1 line 22*); parsing the scan order using a script interpreter module associated with the scanner node (*col.13 lines 55-56*); updating a queue of scan orders (*Cukor et al: col.11 lines 53-54*) at the scanner node using a process which eliminates from the queue all scan orders that are count-expired (*col.22 lines 21-25 and Fig. 14B and 14C*); prioritizing all scan orders in the updated queue according to a predetermined algorithm; and listing the prioritized scan orders (*Cukor et al: col.11 lines 54-56* of). *Lo et al* in view of *Davis et al* and *Cukor et al* fail to explicitly teach of time-expiration. However, *Kumpf et al* teach using a process, which eliminates from the queue all scan orders that are time-expired (*col.5 lines 15-16 and 57-58*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the network image scanning system of *Lo et al* in view of *Davis et al* and *Cukor et al* with *Kumpf et al* by eliminating from the queue all scan orders that are time-expired because this will help to open up space for new orders when an order cannot be scanned or if a user does not close out a scan order in the system.

s. **Regarding claim 13**, *Lo et al* in view of *Davis et al* and *Cukor et al* with *Kumpf et al* teach the method of claim 12, *Lo et al* further teach wherein the step of updating a queue of

Art Unit: 2141

scanner orders at a scanner node (*Cukor et al.*: col.11 lines 53-54) comprises the substeps of teach (a) determining whether the scan order has time-expired (*Kumpf et al.*: col.5 lines 15-16 and 57-58); (b) when time-expired, removing the scan order from the queue (*Kumpf et al.*: col.5 lines 15-16 and 57-58); (c) when not time-expired, determining whether the scan order has count expired;(d) when count-expired, removing the scan order from the queue; (e) when not count-expired, determining whether there is a count reduction notification associated with such scan order (col.22 lines 21-25); and (f) when there is a count reduction notification, reduce count order associated 5 with the scan order and repeat steps (a) through (f) above (col.22 lines 21-25 and Fig. 14B and 14C). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the network image scanning system of *Lo et al* in view of *Davis et al*, *Cukor et al* and *Kumpf et al* by eliminating from the queue all scan orders that are time-expired because this will help to open up space for new orders when an order cannot be scanned or if a user does not close out a scan order in the system.

t. **Regarding claim 14**, *Lo et al* in view of *Davis et al* and *Cukor et al* with *Kumpf et al* teach the method of claim 12, as applied above. *Cukor et al* further teach the predetermined algorithm is an algorithm selected from the group comprising (A) first-in first-out, (B) alphabetical, and (C) requestor-specified priority level (col.11 lines 54-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the network image scanning system of *Lo et al* in view of *Davis et al*, *Cukor et al* with *Kumpf et al* by having a predetermined algorithm because an algorithm is needed to select which scan order to process when multiple orders are present.

Conclusion

IX. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Olbricht (6429952), Pearson et al (6535914).

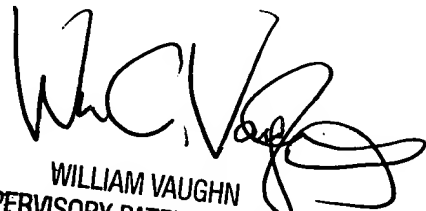
X. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie D. Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie D Shingles
Examiner
Art Unit 2141

kds


WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100